UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/316
13 April 1998

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1133 (1997) of 20 October 1997, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 20 April 1998, and requested me to report to it every 60 days on the progress made in the implementation of the settlement plan (S/21360 and S/22464 and Corr.1) and the agreements that the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), had reached for its implementation (S/1997/742, annexes I to III). The present report covers developments since my letter to the President of the Security Council dated 19 February 1998 (S/1998/142), including the continuing efforts of my Special Representative, Mr. Charles Dunbar, and my Personal Envoy, Mr. James A. Baker III, to move the peace process forward.

II. DEVELOPMENTS DURING THE REPORTING PERIOD

2. Since his arrival in the mission area on 9 February 1998, my Special Representative has met with His Majesty the King of Morocco and senior officials of the Government of Morocco, the Secretary-General and other senior officials of the Frente POLISARIO, and the Presidents of Algeria and Mauritania. During March, my Special Representative held extensive consultations with the parties, with senior officials of the United Nations, including the United Nations High Commissioner for Refugees, and with my Personal Envoy.

Identification process

3. In its resolution 1133 (1997), the Security Council requested me to begin the identification of eligible voters in accordance with the settlement plan and the agreements reached between the parties, with the aim of finishing the process by 31 May 1998. The identification operation was resumed on 3 December 1997, as I reported in my letter to the President of the Council of 12 December 1997 (S/1997/974).

4. As at 3 April 1998, 56,703 applicants to the referendum for self-determination in Western Sahara had been convoked by MINURSO for identification since the resumption of the process in December 1997. Of those, 41,660 came before the Identification Commission to be interviewed. They included 1,500 members of tribal groups H41 and J51/52 from among the 4,000 unconvoked individuals who had presented themselves on the days of convocation of members of groups H41, H61 and J51/52 listed in the 1974 census and their immediate families and whom MINURSO had decided to identify, as indicated in my report to the Security Council of 15 January 1998 (S/1998/35). With the 60,112 applicants who had been identified during the first phase of the identification process (August 1994-December 1995), this brings the total number of persons identified thus far to 101,772. Fewer than 60,000 applicants remain to be convoked. In addition, the issue of applicants from the above-mentioned three tribal groups, who number some 65,000 and were specifically discussed under the Houston agreements, remains to be fully resolved.

5. The pace of the identification process in February and March 1998 fell short of expectations, as fewer applicants were identified than in the two previous months when the Identification Commission had not yet been fully staffed. A major reason for this shortfall was the reluctance of the Government of Morocco to start identification at two locations in northern Morocco, as decided in my 15 January report, and to complete the identification of the remaining 2,500 applicants from group H61 from among the above-mentioned 4,000 individuals, pending further clarifications from MINURSO with regard to ways of dealing with all other possible applicants from the above-mentioned three tribal groups, which are contested by the Frente POLISARIO.

6. Furthermore, during the past two months, the identification process has been marred by interruptions provoked by representatives of the two parties attending the identification process over perceived slights and accusations arising from interactions with applicants. At the same time, there have been almost daily accusations in the Moroccan press about an alleged - albeit unsubstantiated - bias against Moroccan-sponsored applicants on the part of members of the Identification Commission.

7. Morocco's concerns with respect to the issue of applicants from groups H41, H61 and J51/52 were expressed by the Minister of State for the Interior of Morocco in a letter addressed to my Special Representative on 24 February 1998, as well as by the Minister for Foreign Affairs of Morocco in a letter to me dated 31 March. These concerns were the subject of consultations conducted by my Special Representative with the Secretariat and with my Personal Envoy in March. Accompanied by the Chairman of the Identification Commission, Mr. Robin Kinloch, my Special Representative conveyed the results of these consultations to the Minister of State for the Interior and the Frente POLISARIO Coordinator with MINURSO at meetings held at Rabat and Tindouf on 27 and 30 March. On 28 March, my Special Representative also addressed letters to both parties to confirm the United Nations position on the outstanding issues regarding the identification process.

8. In these letters, my Special Representative indicated that, without prejudice to subsequent decisions on any additional applicants from tribal groups H41, H61 and J51/52, completion of the identification of the above-

mentioned 4,000 individuals remained the most appropriate approach to reaching a just solution, insofar as this would allow sufficient time working out proposals to deal with the complex issue of those "contested" groups. My Special Representative also indicated that, in the meantime, the identification of applicants from "non-contested" tribes should continue with the utmost vigour and that, to that end, he was prepared to consider expanding identification activities in Morocco, where the majority of applicants yet to be convoked resided.

9. In meetings with the Frente POLISARIO Coordinator and the Minister of State for the Interior held at Tindouf and Rabat on 4 and 6 April, respectively, my Special Representative reached agreement on the identification programme for April, which would begin on 13 April, and on additional identification activities in Morocco at Casablanca, Marrakesh, Meknes and Rabat. The Frente POLISARIO expressed the view that the identification of all the remaining "non-contested" applicants should be pursued on the largest possible scale. The Moroccan authorities agreed to my Special Representative's request that they meet with him on 13 April to discuss the May identification programme and indicated that their approval of the programme would be given promptly. Similar discussions will be held with the Frente POLISARIO. MINURSO also undertook to provide data to the parties on the number of applicants found eligible since the resumption of the identification process in December 1997.

10. In the meantime, the Government of Mauritania agreed with my Special Representative that, in addition to Zouerate, a second identification centre would be established at Nouadhibou.

Civilian police aspects

11. The number of civilian police officers assigned to MINURSO remains at 79 out of an approved total of 81. Under the command of the Civil Police Commissioner, Chief Superintendent Peter Miller (Canada), the civilian police component of MINURSO continues to work closely with the Identification Commission to ensure the smooth conduct of the identification operation.

Military aspects

12. As at 6 April 1998, the military component of MINURSO stood at 230 military observers and other personnel (see annex). Under the command of Maj.-Gen. Bernd S. Lubenik (Austria), the military component continues to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. Both sides are adhering to the military agreement that they reached with the Force Commander, as indicated in my report of 15 January 1998 (S/1998/35, para. 18). Both the Royal Moroccan Army and Frente POLISARIO forces have continued to cooperate with the military observers and to extend their support in logistic matters. The MINURSO area of responsibility remains calm, and there have not been any serious indications that either side intends to resume hostilities in the near future.

13. On 16 March 1998, a tragic incident occurred in Sector North, where two Saharans were killed by a cluster bomb that they had found lying in a wadi.

14. After extensive consultations with potential troop contributors, the operational concept for MINURSO was further refined with respect to the command, control and staffing arrangements of the military force headquarters when the Mission is fully deployed.

15. During the reporting period, preparations for the deployment of the engineering unit of MINURSO continued. The primary functions of the unit are related to demining activities, as approved by the Security Council in its resolution 1148 (1998) of 26 January 1998. The Government of Pakistan has formally offered to provide 150 engineering personnel as a contribution to the engineering unit of MINURSO. This engineering unit, whose advanced elements and contingent-owned equipment will arrive in the Mission area by the end of April, is expected to be fully deployed by the end of May 1998. At the request of the United Nations, the Government of Morocco has undertaken to identify sites for the initial deployment of the unit. It is hoped that the necessary information in this regard will be forwarded to MINURSO in a timely manner.

16. Slovakia has recently offered to contribute personnel to strengthen further the Mission's demining capability. In the event that this is necessary in order to ensure the timely completion of all the demining tasks, the deployment of 80 Slovak deminers will be considered in due course. In order to assess the scope of the work involved, engineering and demining experts from Sweden, Pakistan and Slovakia visited the mission area in January, February and March 1998, respectively.

17. Two types of engineering and demining tasks are envisaged. The first type is related to the deployment of the military component of MINURSO. These demining tasks, to be undertaken by the engineering support unit from Pakistan assisted by 73 deminers from Sweden, are planned to be completed within a period of eight weeks, for which the budget has been approved. The second type of task is linked with the repatriation of refugees and involves clearance of approximately 700 kilometres of desert tracks. On the basis of the results of its technical assessment mission to the region, Sweden indicated that its deminers would require an additional period of eight weeks for completing such tasks.

18. While the teams from Sweden, and possibly Slovakia, would be repatriated upon completion of their demining tasks, the engineering support unit from Pakistan is to remain as part of the military component of MINURSO until the fulfilment of the Mission's mandate in Western Sahara.

19. In preparation for the deployment of the formed engineering unit, the Secretariat submitted to the Moroccan authorities on 31 March, for their approval before 30 April 1998, a complete and detailed draft status of forces agreement, as envisaged in the agreement on the privileges and immunities of MINURSO that was concluded between the United Nations and the Government of Morocco in an exchange of letters dated 13 December 1991 and 15 January 1992, respectively. Pending the conclusion of that status of forces agreement, the model status of forces agreement of 9 October 1990 (A/45/594), endorsed by the General Assembly should apply on a provisional basis. On 3 April, the Secretariat submitted similar draft status of forces agreements to Algeria and Mauritania for their timely approval.

Preparatory work for the repatriation of Saharan refugees

20. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR) advanced in its preparations for the voluntary repatriation of Saharan refugees eligible to vote and their immediate families, as provided for in the settlement plan. In this connection, UNHCR representatives were deployed to Laayoune in the territory and Zouerate in Mauritania and increased their presence in the Tindouf area of Algeria. Pre-registration of refugees in Zouerate and Tindouf continued, with some 5,100 and 7,300 refugees pre-registered to date, respectively. Various other preparatory activities were initiated, including logistics and physical infrastructure planning, a public information campaign as a continuing exercise for confidence-building among the refugees and a mine-awareness campaign in the Tindouf camps.

21. Specific concerns were discussed by UNHCR with the relevant authorities and the refugees regarding logistic planning assumptions, such as the mode of transportation and places of return. UNHCR is consulting closely with my Special Representative to address these concerns within the framework of the objectives established in the settlement plan.

22. The special appeal by UNHCR for funds for its repatriation programme is under review. In this regard, UNHCR provided a briefing to potential donor countries on the programme and related financial requirements, which, on the basis of transport and logistic considerations, are estimated to exceed $50 million.

23. Follow-up meetings were also held by UNHCR with the World Food Programme (WFP) regarding WFP planning for the provision of basic food rations to the returnees in the territory, as foreseen in the UNHCR repatriation programme.

III. ADMINISTRATIVE AND FINANCIAL ASPECTS

24. During the reporting period, deployment of MINURSO civilian staff continued. By the end of March 1998, its total number stood at 326 (245 international and 81 local). The Governments of Morocco and Algeria continued to extend their support in accommodating the increased number of MINURSO staff. The Frente POLISARIO also extended its support by providing facilities for the work of the Identification Commission. In Mauritania, accommodation was secured at Zouerate for MINURSO personnel, sheikhs, and the observers of the two parties and the Organization of African Unity (OAU). Similar arrangements will be required at Nouadhibou.

25. The communication network of the Mission was expanded to link the new identification centres. Building maintenance activities increased substantially owing to these additional sites and increased needs. The identification centres in Laayoune required the installation of transformers. The additional vehicles purchased under the replacement programme are expected to arrive by the end of July 1998.

26. The extension of identification activities in northern Morocco and Mauritania, as presently planned from the second half of April will not be feasible without additional air support, supplemented by assistance from Morocco, in transporting its observers and Saharan sheikhs. A fourth medium-cargo aircraft would be needed for this purpose.

27. Based on my proposal, by its resolution 52/228 of 31 March 1998, the General Assembly appropriated an additional amount of $17,172,300 gross for the period ending 30 June 1998 for the resumption of identification tasks and the deployment of an engineering unit for demining activities pursuant to Security Council resolutions 1133 (1997) and 1148 (1998).

28. The proposed maintenance budget of MINURSO for the period from 1 July 1998 to 30 June 1999 has been submitted to the General Assembly for consideration at the second part of its resumed fifty-second session. The proposed budget amounts to some $65.1 million gross and is based on the maintenance of its current authorized strength.

29. Accordingly, should the Security Council decide to extend the mandate of MINURSO, as recommended in paragraph 35 below, there will be no need to revise the budget that has already been submitted to the General Assembly. However, taking into account my observations contained in paragraph 35, the deployment of MINURSO at full strength for the holding of the referendum would require a revised budget, for which I will submit proposals in due course.

30. As at 31 March 1998, unpaid assessed contributions to the MINURSO special account for the period since inception to 31 March 1998 amounted to $50.6 million. The total of outstanding assessed contributions for all peacekeeping operations as at 31 March 1998 was $1,547.0 million.

IV. OBSERVATIONS AND RECOMMENDATIONS

31. During the months of December 1997 and January 1998, the spirit and pace of the identification process generated hope that the target date of completing it by 31 May 1998 could be met. However, it is now unlikely that this goal will be achieved. The delay is due to the slowdown in identification activities in February and March and to the lack of progress in resolving issues linked to the identification of applicants from the three tribal groups indicated in paragraph 4 of the present report. In addition, the climate of mutual mistrust as described in paragraph 6 has not been conducive to expediting and facilitating MINURSO's task. I am concerned that the current tensions may increase as completion of the identification process approaches. In this connection, I must express concern about the continuing propaganda against MINURSO in the Moroccan press, which is clearly unjustifiable and should be halted.

32. Provided that both parties cooperate fully, in accordance with the commitments which they freely entered into, it should be possible, taking into account the delay that has occurred, to complete the identification of all applicants from the "non-contested" tribes by the end of July 1998. However, until the outstanding issues concerning applicants from the three "contested"

tribal groups are resolved, and since it is not known for certain how many of these applicants may present themselves, it is not possible at this stage to specify the time required for completion of the identification process.

33. Notwithstanding the considerations above and the ensuing delays in the start of the transitional period and the repatriation of Saharan refugees, it is important that the United Nations demining activities start as soon as possible, as decided by the Security Council in its resolution 1148 (1998). In this context, I accept the assessment of the Swedish team, as indicated in paragraph 17 above, that an additional period of eight weeks will be required for it to complete its demining tasks.

34. In the context of the factors outlined above, I urge both Morocco and the Frente POLISARIO to cooperate fully with my Special Representative and the Identification Commission so that the identification process may move forward. They must also cooperate with UNHCR in its preparatory work for the repatriation of Saharan refugees. The full cooperation of the Government of Morocco, as well as the Government of Algeria and Mauritania, is also required so that the draft status of forces agreements can be approved in good time.

35. In the present situation, the months of May and June will be crucial for determining whether the identification of all the applicants that remain to be convoked can be completed by the end of July and whether a solution can be found to the problem of the three tribal groups mentioned above. If, by the end of June, sufficient progress has been made in the identification process and in the search for solutions to the contentious issue of these groups, I would submit, in my next report to the Security Council, recommendations for a revised timetable for the full implementation of the settlement plan, including preparatory measures for the establishment of the Referendum Commission. If, on the contrary, no solution has been found to the problem of the three "contested" groups and if a large number of applicants from "non-contested" tribes also remains to be identified, it would be my intention to recommend that the Security Council reconsider the viability of the mandate of MINURSO. In the meantime, I recommend that the mandate of MINURSO be extended for a period of three months, until 20 July 1998.

Annex

Composition of the military component of the United Nations Mission for the Referendum in Western Sahara

	Authorized strength as at 6 April 1998		
	Military observers	Support units	Total
Argentina	1		1
Austria	5		5
Bangladesh	6		6
China	16		16
Egypt	19		19
El Salvador	2		2
France	25		25
Ghana	6	7[a]	13
Greece	1		1
Guinea	3		3
Honduras	12		12
Ireland	8		8
Italy	5		5
Kenya	8		8
Malaysia	13		13
Nigeria	5		5
Pakistan	5		5
Poland	3		3
Portugal	4		4
Republic of Korea	0	20[b]	20
Russian Federation	25		25
United States of America	15		15
Uruguay	13		13
Venezuela	3		3
Total	203	27	230

[a] Force orderly room.

[b] Medical personnel.

Map No. 3691 Rev. 16 UNITED NATIONS
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